

1 FRANK M. PITRE (100077)
NIKI B. OKCU (229345)
2 **COTCHETT, PITRE, & McCARTHY**
San Francisco Airport Office Center
3 840 Malcolm Road, Suite 200
Burlingame, CA 94010
4 Telephone: (650) 697-6000
Facsimile: (650) 697-0577

5 CHRISTOPHER LAVORATO (221034)
6 **LAVORATO, HOUSE, CHILTON & LAVORATO**
310 Capitol Street
7 Salinas, CA 93901
Telephone: (831) 758-2786
8 Facsimile: (831) 758-0566

9 *Attorneys for Plaintiffs Dephlia Davis, Rhea Davis and Jesse Gaynor*

10 **IN THE UNITED STATES DISTRICT COURT FOR THE**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12

13
14 DEPHLIA DAVIS, RHEA DAVIS AND
JESSE GAYNOR,

15 Plaintiffs,
16

17 v.

18 ACTAVIS TOTOWA, LLC; MYLAN,
INC.; MYLAN PHARMACEUTICALS,
INC.; and UDL LABORATORIES, INC.,
19

20 Defendants.
21
22
23
24
25
26
27
28

CASE NO. CV-08-3173-BZ

**APPLICATION AND [PROPOSED]
ORDER FOR APPOINTMENT OF
GUARDIAN AD LITEM**

1 This application seeks the appointment of Dephlia Davis, who can be contacted at
 2 P.O. Box 181, Forest Knolls, CA 94933, telephone number: (415) 488-1709, as guardian *ad*
 3 *litem*. The guardian *ad litem* is to represent the interests of Rhea Davis, who can be
 4 contacted at P.O. Box 181, Forest Knolls, CA 94933, telephone number: (415) 488-1709.
 5 The person to be represented is a minor, born on Sept. 18, 1998 The Court should
 6 appoint a guardian *ad litem* because Rhea Davis has a wrongful death claim involving her
 7 father, whose death was caused by the consumption and/or ingestion of double strength
 8 tablets of Digitek® on May 3, 2008. The proposed guardian *ad litem* is related to Rhea Davis
 9 as her mother. The proposed guardian *ad litem* is fully competent and qualified to
 10 understand and protect the rights of Rhea Davis and has no interests adverse to the interests
 11 of Rhea Davis. I declare under penalty of perjury under the laws of the State of
 12 California and the United States that the foregoing is true and correct.

13 DATED: July 15, 2008

COTCHETT, PITRE & McCARTHY

14
 15 By: _____

Niki B. Okcu
 FRANK M. PITRE
 NIKI B. OKCU

Attorneys for Plaintiffs Dephlia Davis,
 Rhea Davis and Jesse Gaynor

16
 17
 18
 19
 20
 21
 22 I consent to the appointment as guardian *ad litem* under the above petition.

23
 24
 25 DATED: July 14, 2008

Dephlia Davis
 (GUARDIAN AD LITEM)
 DEPHLIA DAVIS

[PROPOSED] ORDER

The Court finds that it is reasonable and necessary to appoint a guardian *ad litem* for Rhea Davis and Jesse Gaynor, as requested. The Court orders that Dephlia Davis is hereby appointed as the guardian *ad litem* for Rhea Davis and Jesse Gaynor for the reasons set forth above.

DATED: _____

MAGISTRATE JUDGE BERNARD ZIMMERMAN